

## AN ACT

ENTITLED, An Act to create a procedure for challenging certain nominating, initiative, or referendum petitions and to require the Board of Elections to report to the secretary of state concerning changes in election laws.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

Section 1. Within five business days after a nominating, initiative, or referendum petition is filed with the person in charge of the election, any interested person who has researched the signatures contained on the petition may file an affidavit stating that the petition contains deficiencies as to the number of signatures from persons who are eligible to sign the petition. The affidavit shall include an itemized listing of the specific deficiencies in question.

Section 2. The person in charge of the election shall verify the information contained in the affidavit filed pursuant to section 1 of this Act and make a written declaration regarding the validity of the signatures in question. The person in charge of the election shall verify that each person was a registered voter at the time the person signed the petition by using the registration documents on file in the office of the county auditor.

Section 3. The person in charge of the election shall immediately notify by certified mail any candidate whose nominating petition or any primary sponsor whose referendum or initiative petition is rejected and declared invalid in accordance with this Act.

Section 4. If a person fails to challenge a petition pursuant to section 1 of this Act, it does not deny that person any other legal remedy to challenge the filing of a nominating, initiative, or referendum petition.

Section 5. That § 12-1-10 be amended to read as follows:

12-1-10. The Board of Elections shall report to and make recommendations to the secretary of state concerning desirable or necessary changes in the election laws of this state.

An Act to create a procedure for challenging certain nominating, initiative, or referendum petitions and to require the Board of Elections to report to the secretary of state concerning changes in election laws.

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I certify that the attached Act  
originated in the

SENATE as Bill No. 33

\_\_\_\_\_  
Secretary of the Senate  
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\_\_\_\_\_  
President of the Senate

Attest:

\_\_\_\_\_  
Secretary of the Senate

\_\_\_\_\_  
Speaker of the House

Attest:

\_\_\_\_\_  
Chief Clerk

Senate Bill No. 33  
File No. \_\_\_\_\_  
Chapter No. \_\_\_\_\_

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Received at this Executive Office  
this \_\_\_\_ day of \_\_\_\_\_ ,  
19\_\_ at \_\_\_\_ M.

By \_\_\_\_\_  
for the Governor  
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The attached Act is hereby  
approved this \_\_\_\_\_ day of  
\_\_\_\_\_, A.D., 19\_\_

\_\_\_\_\_  
Governor  
=====

STATE OF SOUTH DAKOTA,  
ss.  
Office of the Secretary of State

Filed \_\_\_\_\_, 19\_\_  
at \_\_\_\_\_ o'clock \_\_ M.

\_\_\_\_\_  
Secretary of State

By \_\_\_\_\_  
Asst. Secretary of State